

ORIGINAL



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

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Martin O'Malley  
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Lieutenant Governor

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Robert M. Summers, Ph.D.  
Deputy Secretary

October 28, 2009



SDMS DocID 2210609

**CERTIFIED MAIL**

David S. Meiskin, Managing Member  
Herron 393, LLC  
Pond Road Center,  
4345 Route 9, Suite 28  
Freehold, New Jersey 07728

Re: Herron Area 1 Property  
Elkton, Maryland 21921

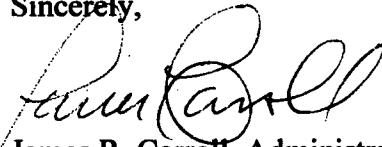
Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed the VCP application submitted to the Department on June 23, 2006 for Herron Area 1 property located on Zeitler Road in Elkton, Cecil County, Maryland. The review indicated that Herron 393, LLC, the applicant, failed to meet the Department's two deadlines, provided in the letters dated June 17 and September 1, 2009, to submit all required responses to the comments specified in the VCP's letters dated August 8, 2006, May 11, 2007, and February 10, 2009. Also, the applicant failed to submit a Phase II environmental site assessment and the response action plan required for the property as of January 16, 2008. Therefore, pursuant to Section 7-512(d)(2) of the Environment Article, Annotated Code of Maryland, the Department determined that the application is considered withdrawn from the VCP, effective this date. In accordance with Section 7-512(f)(1) of the Environment Article, all VCP related correspondence issued by the Department is declared void. Please note that any future application submitted to the Department for any portion of this property will be considered an initial application to the VCP and subject to all of the requirements of an initial application.

Withdrawal of the VCP application will not result in the loss of the inculpaable person status issued to Herron 393, LLC if the participant stabilizes and secures the eligible property to the satisfaction of the Department to ensure protection of the public health and the environment. However, pursuant to Section 7-512(b)(2) of the Environment Article the inculpaable person shall be liable for new contamination or the exacerbation of existing contamination at the eligible property.

If you have any questions regarding any aspects of the program, please contact me or Irena Rybak, the project manager at 410-537-3493.

Sincerely,

  
James R. Carroll, Administrator  
Land Restoration Program

cc:

James B. Witkin, Esq., Linowes and Blocher LLP  
Ms. Lorie Baker, EPA Region 3  
Mr. Jim Henry, DBED  
Mr. Charles Smyser, Cecil County Health Department  
Mr. Horacio Tablada  
Mr. Kim Lemaster  
Ms. Irena Rybak